

~~TEMPORARY~~

APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office DEC 19 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed _____

The applicant **The Pyramid Lake Paiute Tribe of Indians**, hereby make application for permission to change the place and manner of use of water heretofore appropriated under **United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 3; in the Federal District Court of Nevada**

1. The source of water is **Truckee River**
2. The amount of water to be changed **756.40 acre-feet (168.09 acres @ 4.5 acre-feet/acre)**
3. The water to be used for **Wildlife, including instream flows for fish (cui-ui and Lahontan cutthroat trout)**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **There will be no diversion, the water is to remain in the Truckee River from Derby Dam to Pyramid Lake**
6. The existing permitted point of diversion is located within **As decreed, SW¼ of Section 19, T20N, R23E M.D.B.&M**
7. Proposed place of use **Truckee River downstream of Derby Dam to the Pyramid Lake inlet as shown on the map accompanying Application No. 67182.**
8. Existing place of use **As shown on the water right maps included in Attachment B, Sections 1-12.**
9. Use will be from **As decreed** to **As decreed** of each year.
10. Use was permitted from **As decreed** to **As decreed** of each year.
11. Description of proposed works. **No new diversion or storage works will be constructed**
12. Estimated cost of works **N/A**
13. Estimated time required to construct works **N/A**
14. Estimated time required to complete the application of water to beneficial use **As soon as approved**
15. Remarks:

By **John Jackson**
s/John W. Jackson
P. O. Box 256
Nixon, Nevada 89424

Compared d1/ cmf

Protested 1/31/03 by Churchill County; 2/13/03 by City of Fallon;
2/18/03 by TCID; 11/10/03 by City of Fernley;

DENIAL OF STATE ENGINEER

This application is hereby denied on the grounds that it is not in the public interest and threatens to prove detrimental to the public interest to allow the temporary change provision of Nevada's water law to be used in the manner proposed. Churchill County's protest is upheld in part. No ruling is made on the merits of the other protest claims.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 22nd day of June, A.D. 2004.

Hugh Ricci, P.E.
State Engineer

Attachment A

The applicants are:

- 1) **The United States as trustee for the Pyramid Lake Paiute Tribe of Indians, acting through the Bureau of Indian Affairs.**

Wayne Nordwall, Western Regional Director
Bureau of Indian Affairs
400 N. 5th Street, 14th Floor
Phoenix, Arizona 85001

Phone: (602) 379-6600

*See letter
of 5-5-83*

and

- 2) **The Pyramid Lake Paiute Tribe of Indians.**

John Jackson, Vice Chairman
Pyramid Lake Paiute Tribe of Indians
P.O. Box 256
Nixon, Nevada 89424

Phone: (775) 574-1050

**Water Right Acquisitions made by the Pyramid Lake Paiute Tribe
and Proposed for Transfer**

(Summary Table for Temporary Transfer Application, Attachment B)

Attachment B Section Number	Acres Proposed for Transfer	Duty (AF/acre)	Amount Proposed for Transfer (AF)	Location of Existing Place of Use
1	8.12	4.5	36.54	SE1/4 of SE1/4, Section 6, T19N, R27E, MDB&M
2	14.60	4.5	65.70	NW1/4 of NE1/4, Section 17, T19N, R27E, MDB&M
3	15.93	4.5	71.68	S1/2 of NE1/4, Section 7, T19N, R27E, MDB&M
4	51.68	4.5	232.56	N1/2 of SW1/4, Section 8, T19N, R27E, MDB&M
5	9.75	4.5	43.88	SE1/4 of NE1/4, Section 7, T19N, R27E, MDB&M
6	3.97	4.5	17.86	SE1/4 of NE1/4, Section 7, T19N, R27E, MDB&M
7	14.45	4.5	65.02	S1/2 of NE1/4, Section 7, T19N, R27E, MDB&M
8	29.83	4.5	134.24	NE1/4 of SW1/4, Section 7, T19N, R27E, MDB&M
9	13.29	4.5	59.80	SW1/4 of NE1/4, Section 7, T19N, R27E, MDB&M
10	2.86	4.5	12.87	SE1/4 of NE1/4, Section 7, T19N, R27E, MDB&M
11	0.99	4.5	4.46	NW1/4 of SE1/4, Section 12, T20N, R24E, MDB&M
12	2.62	4.5	11.79	NW1/4 of NE1/4, Section 7, T19N, R27E, MDB&M
TOTALS	168.09		756.40	